

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 300504WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/AU2004/000795	International filing date (<i>day/month/year</i>) 15 June 2004 (15.06.2004)	Priority date (<i>day/month/year</i>) 12 June 2003 (12.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant OLLINGTON, Robert, Frank		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
 2. This REPORT consists of a total of 7 sheets, including this cover sheet.
- In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 13 February 2006 (13.02.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Dorothee Mülhausen</div> Telephone No. +41 22 338 87 40
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PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

REC'D 08 NOV 2004

PCT

WIPO POT

To:

PIPERS MILLS OAKLEY
PO Box 453
Collins Street West
VIC 8007

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **28 OCT 2004**

Applicant's or agent's file reference
300504WO

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/000795

International filing date (day/month/year)
15 June 2004

Priority date (day/month/year)
12 June 2003

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ G06F 17/60 155:00

Applicant

OLLINGTON, Robert Frank

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
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| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Authorized Officer

J.W. THOMSON
Telephone No. (02) 6283 2214

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/000795

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/000795

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos: 9 to 15

because:

☐ the said international application, or the said claim Nos.

relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos.
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos.
are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 9 to 15

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form ☐ has not been furnished

☐ does not comply with the standard

the computer readable form ☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/000795

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 3 to 7	YES
	Claims 1 to 2 and 8	NO
Inventive step (IS)	Claims	YES
	Claims 1 to 8	NO
Industrial applicability (IA)	Claims 1 to 8	YES
	Claims	NO

2. Citations and explanations:

Citations

D1: WO 01/77974 A1 (ODS Properties Inc) 18 October 2001

D2: US 5374060 A (Goldberg) 20 December 1994

D3: Horse Racing betting rules, [online] 8 June 2001 [retrieved on 2004-10-18] Retrieved from the Internet:
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D4: US 20030125822 A1 (LaNeve) 3 July 2003 (published after the priority date of the current invention.)

D2 and D3 are documents indicative of common general knowledge for instance, D1 discloses that multiple races can be played simultaneously and D3 confirms the existence of different parimutuel wagers including exotic bets.

Novelty (N) of Claims 1 to 2 and 8

Claims 1 to 2 and 8 lack novelty when compared to D1 which discloses all of the essential features of the claimed invention.

Novelty (N) of Claims 3 to 7

Claims 3 to 7 are novel when compared to D1 to D3 since neither of these citations teach a system of scoring points for first to third places in nominated multi-race wagers.

Inventive Step (IS) of Claims 1 to 8

The claimed invention lack an inventive step when compared to D1 and also in the light of common general knowledge.

D1 teaches a computerised multi-race wagering system (see page 47 onwards) which enables a player to, inter alia, select from multiple totes. A person skilled in the art (PSA), for instance a bookie, is well aware that bets can be personalised according to the preference of a punter. Therefore a PSA would directly and without difficulty by routine steps arrive at a solution which is the same as the claimed invention and therefore the claimed invention lacks an inventive step.

Continued in Supplemental Box

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International Application No.

PCT/AU2004/000795

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

Similarly the claimed invention lacks an inventive step in the light of common general knowledge.

The existence of exotic bets is well known to a PSA, furthermore it is also known that wagers can be made on any event. Therefore once this initial discovery was made, there is nothing inventive in selecting one type of bet which can be made by a punter because there is no technical difficulty in selecting one particular implementation. Any resultant wager is created under the application of usual bookie principles, that is that bets can be laid on any event, and so when this general technical knowledge about the state of the art is used, the claimed invention does not contribute to patentable invention.

Industrial Applicability (IA) of Claims 1 to 8

The claimed invention has industrial applicability in the field of computerised gambling.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/000795

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 1 to 15 are not clear. The use of the word 'parameter' is vague and therefore its use gives the claims indeterminable scope.

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